

# NORTH BEND PLANNING COMMISSION

## - PROCEDURES -

(Adopted by the Planning Commission 3/26/98; amended 11/16/99, 1/11/01, 2/14/02, 10/9/03)

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**1. Charter:** The Planning Commission is established by NBMC 2.28 as an advisory body to the City Council. The Commission's principal responsibilities include:

- a. Preparation and amendment of the Comprehensive Plan and Shoreline Master Plan;
- b. Preparation of development regulations including, but not limited to, zoning ordinances including area-wide but not site-specific rezones, critical area ordinances, shoreline master programs other than goals and policies adopted pursuant to 90.58.RCW, planned unit development ordinances, subdivision ordinances, binding site plan ordinances, and other official controls placed on development or land use activities, together with any amendments thereto to implement the Comprehensive Plan or Shoreline Master Plan;
- c. Ensure public participation as required by RCW 36.70A.14 in performance of the duties outlined in (a) and (b) above;
- d. Other duties as may be assigned under state enabling laws and at the direction of the City Council.

**2. Membership & Officers:** Provisions governing membership is and terms of office are established in NBMC 2.28 and repeated below for reference. In the case of a conflict with the City Code, the Code shall govern.

A. The Planning Commission is a seven-member body, appointed by the Mayor and confirmed by the Council pursuant to RCW 35A.63.020. Four (4) of the Commissioners shall reside inside the City limits while three (3) may reside inside the 98045 zip code area. The positions of the members shall be assigned position numbers. Members will be appointed to serve for a period of four (4) years from the time of their appointment.

B. If any person on the Planning Commission concludes that he or she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the agency so that he or she cannot discharge his or her Planning Commission duties, he or she shall disqualify himself or herself from participating in the deliberations and decision-making process with respect to that matter. If this occurs, the mayor may appoint, without confirmation, a person to serve as an alternate on the agency to serve in his or her stead in regard to such a matter.

C. Members may be removed by the mayor, with council approval. Members shall be selected without respect to political affiliation and shall serve without compensation.

D. The commission shall elect its own chair and create and fill such other offices as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine (9) months in each year. It shall adopt rules for transaction of business and shall keep a written record of its proceedings, which shall be a public record.

**3. Current Membership:** The City Clerk also maintains a list of current Commission members.

#### **4. Attendance, Preparation, & Input:**

- a. Commissioners are expected to attend all regular and special Commission meetings.
- b. Commissioners are expected to be prepared to address business items on the agenda at all Commission meetings.
- c. Commissioners who are aware of an advance absence shall notify staff and/or the Chair reasonably in advance of the absence.
- d. Commissioners who have an emergency absence and are not able to notify the Chair and/or staff of the absence should notify the staff and/or Chair following the emergency period.
- e. Commissioners who in advance know that they are not able to attend a scheduled meeting shall provide their detailed written and/or verbal comments, if any, for consideration at meetings in which they will be absent. Such comments shall be provided in timely advance of the meeting to staff and/or the Chair of the Commission so that they can be distributed. Where comments are not submitted, it is presumed by the staff and Commission at-large that the individual member either agrees with the product being deliberated or has no adverse comments.
- f. Where individual Commissioners are aware of a future absence, and where providing detailed written and/or verbal comments per [e], a quorum of the Commission may review and act on said comments and related subject matter in the absence of the subject Commissioner. The Commission, through a majority vote of a quorum present, reserves the right not to entertain future discussion on the comment items. Said vote, if necessary, shall be made only following return and at the request of the Commissioner.
- g. Where individual Commissioners are aware of a future absence, and where not providing detailed written and/or verbal comments per [e], a quorum of the Commission may review and act on the product being deliberated. The Commission, through a majority vote of a quorum present, reserves the right not to entertain future discussion on the comment items. Said vote, if necessary, shall be made only following return and at the request of the Commissioner.
- h. Policies e, f, and g shall apply only to excused absences. In the case of a non-excused absence, comments provided on deliberated items at any future date shall only be considered if a majority of a quorum of the Commission decides to address them.
- i. Policies e, f, and g shall apply to all known future absences. These policies shall not apply to sudden emergencies and/or illnesses associated with an individual Commissioner and their immediate family members, provided that reasonable efforts shall be made to leave a message at the Dept. of Community Services regarding emergency absences.
- j. Where the Commission is scheduled to take final action on any business item, and a quorum of the Commission takes final action, any absent Commissioner, whether absent by known or emergency circumstance, shall be prevented from re-introducing the business item.

**5. Meetings – Time, Place, Open:** Under NBMC 2.28, the Commission is obliged to have at least one (1) regular meeting per month for at least nine (9) months in each year. Regular meetings are on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of the month. Meetings are typically held at the conference room of the City Hall Building, 211 Main Avenue North, North Bend, commencing at 7:00-PM. Meeting location may be changed when additional space is needed or canceled when warranted. All meetings of the Planning Commission are open to the public. For very

specific reasons only (e.g. legal matters, personnel matters), the Commission is entitled to hold an Executive Session.

**6. Meeting Notices:** Regular meeting notices are posted at City Hall-211 Main Avenue N., the Community Services Department-126 E. Fourth Street, the North Bend Library, and the North Bend Post Office before the regular meeting date. For special meetings (i.e. meetings not held on regular meeting nights), notices are posted at all the previously mentioned notice locations, as well as provided to the *Snoqualmie Valley Record*, not less than 24-hours in advance of the meeting. Special meeting notices must indicate business items for the meeting. For Planning Commission public hearings, notice is typically required at least 10-days in advance of the hearing with publication in the *Snoqualmie Valley Record*. Applicable provisions of City code will control specific public hearing notification requirements.

**7. Agendas and Mailings:** Commission agendas are prepared in advance by the Community Services Department. Agendas, along with any related materials (e.g. draft minutes, staff reports) are typically mailed to Commissioners not later than the Friday preceding regular meeting. A copy of the Planning Commission agenda package will be available for public inspection at City Hall and Community Services Department. Planning Commission agendas are also distributed to the Mayor, Council members, City Administrator, City Clerk, and City Attorney. A copy of the agenda should be kept with the permanent copy of approved minutes (RCW 40.14.070).

**8. Quorum:** NBMC 2.28.030 ('Quorum') provides that three (3) members of the Commission shall constitute a quorum for the "transaction of business.

**9. Transaction of Business:** A quorum of Commissioners is required to hold regular meetings or special meetings. Any action take by a majority of a quorum of the Planning Commission at any regular or special meeting shall be deemed and taken as an action of the Planning Commission.

**10. Record of Formal Actions:** All formal actions of the Planning Commission shall be recorded in: (a) the taped record of Commission meetings, and (b) the approved minutes. In the case of any formal advisory recommendations to the Council, Planning Commission recommendations shall be in writing and may include findings, conclusions, and the recommendation(s), with supporting materials as appropriate. The Chair shall sign a written recommendation.

**11. Minutes – Taped and Written:** All Commission meetings are tape-recorded and tapes are kept at the City Hall – 211 Main Avenue N. (RCW 40.14.070 and WAC 414.24.050 provide variable time-periods for maintaining taped records; generally, tape records should be kept for 6-years). Community Services Department staff drafts minutes following each meeting and sends them in the next mailing for Commission review and approval at subsequent meetings. Draft minutes are also provided to the Mayor, City Councilmembers, City Administrator, City Clerk, and City Attorney. Once approved by the Commission, minutes are copied in a binder of

permanent records, signed by the submitted party, and kept in the Clerk's vault (the official record; per RCW 40.14.070, minutes must be kept 6 years, however, it is City policy to retain them permanently). The Community Services Department also keeps a record of approved minutes in a binder entitled "Planning Commission-Minutes" (1-year record required for secondary copy (RCW 40.14.070). Where joint meetings are held with the City Council or otherwise, minutes are coordinated with the City Clerk's office.

**12. Staffing:** Staff responsibilities include: drafting agendas and mailing agenda materials in advance of meeting dates; attendance, recording, and drafting of meeting minutes for subsequent Commission approval; and technical assistance to the Planning Commission pursuant to their duties outlined in NBMC 2.28.

**13. Planning Commission Reports:** All City Council agendas include a 'reports' section in which appointed boards and commission update Councilmembers on their activities. Reporting to the Council is voluntary and not typically necessary, unless the Chair, Vice-Chair, and/or Commission members are specifically requested to attend a Council meeting.

**14. Annual Report:** Pursuant to NBMC 2.28.090, The Planning Commission shall periodically report on their actions or recommendations concerning matters covered by their prescribed duties and authority in writing or in person to the City Council as requested by Council or as necessary in the determination of the Commission.

**15. Public Participation:** Per NBMC 2.28.070 the Council, after reviewing recommendations from the Planning Commission, shall establish and broadly disseminate to the public a public participation program identifying procedures providing for efficient, early and continuous public participation in the development and amendment of comprehensive plans, the shoreline master program and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice that is reasonably calculated to provide notice to property owners and other affected interested individuals, agencies or organizations, and consideration and response to public comments.

**16. Procedures to Conduct Public (Regular) Meetings:**

- a. Agenda and supporting materials are mailed to Commissioners in advance of meeting date; agendas are posted at City Hall, Community Services Building, North Bend Library, and North Bend Post Office.
- b. Commissioners convene at scheduled meeting time and place.
- c. Staff arranges for tape-recording of meeting.
- d. Chair calls meeting to order (in absence of Chair, Vice-Chair runs meeting).
- e. Chair takes roll call; notes members of public present.
- f. Minutes are typically addressed (past minutes approved).
- g. Business Items are addressed. Typically, staff-person overviews topic at Chair's direction, including outline of Commission role and responsibilities. Chair will ensure the way business

is conducted is explained at the beginning of the meeting (when public comments are taken; how discussion is organized) to ensure the public understands when and how they can participate.

- h. As appropriate, consensus is reached on business item(s).
- i. Meeting is adjourned.

**17. Procedures to Conduct Public Hearings:** The Planning Commission will generally conduct hearings to recommend an action to the Council on a legislative matter. The Planning Commission generally does not have to recommend action to the Council or other bodies on a quasi-judicial matter(s). The difference between legislative and quasi-judicial matters is explained below, following which public hearing procedures are outlined. The public hearing procedure is similar, except that, appearance-of-fairness considerations and a limit on the number of hearings (1) are applied to quasi-judicial matters.

- a. **Legislative Matters:** Legislative public hearings relate to framework policy and/or regulatory documents that affect the entire City (e.g. Comprehensive Plan or elements thereof and development regulations). The Planning Commission typically holds a public hearing on legislative matters, reviews information, and passes a recommendation along to the City Council.
- b. **Quasi-Judicial Matters:** Quasi-judicial public hearings relate to individual land-development proposals, of which the Planning Commission is not directed to provide advice to other officials or be the decision-making body in the North Bend Municipal Code.

## **PUBLIC-HEARING PROCEDURE:**

### **Advance Preparations:**

1. Community Services Department arranges for Public Hearing date. The public hearing topic/issue may be briefed, and public hearing procedure reviewed at a prior Commission meeting. Space is also reserved (typically the Mt. Si Senior Center-Multipurpose Room is utilized).
2. Public Hearing Notice Requirements are met (notice requirements vary depending on type of public hearing). Additional public-relations efforts are completed as necessary.
3. In coordination with City Clerk, Public Works staff organizes Multipurpose Room, including microphones, tape-recorder, and visual aids (day-of-hearing).
4. Public information materials, handouts, agendas, sign-up sheets (1 for general sign-in; 1 for interested speakers), and other needed materials are set up in advance.
5. In addition to applicable staff, a Recording Secretary (Administrative Assistant or otherwise) is typically asked to record public hearings.

# PLANNING COMMISSION DETAILED PUBLIC HEARING PROCEDURES

## **1. Planning Commissioners arrive in advance of hearing**

### **2. Chair calls the hearing to order**

- a. Officially opens Hearing
- b. Explains purpose/subject of hearing, including advisory (typically) role of Planning Commission per NBMC 2.28 and subsequent decision-making procedures for affected legislative matter.
- c. Notes general sign-in list and sign-in list for speakers; notes all interested parties will have a chance to provide oral and written comments and questions. All comments and questions to be addressed through the Chair.
- d. Notes meeting is being recorded and written minutes will be available. When speakers come to podium, please identify their full name and address; speak clearly into the microphone.
- e. Briefly notes procedure of hearing (i.e. items 3, 4, 5, 6, 7, 8, 9, and 10 below).
- f. Indicates projected closing time; speaker time limits; possibility to close hearing or continuance; possibility to submit written comments until specified date following hearing.
- g. Reiterates subsequent Planning Commission action. Expected meeting date which topic will be discussed and decided; time frame for legislative recommendation/decision.

### **3. Appearance-of-Fairness Qualifications\* (applies to a quasi judicial hearing only)**

- a. Chair requests anyone who objects to his/her participation, or any other Commission member's participation; if so, to please state so and give the reasons for the objection.
- b. Chair asks Commission members if they have any financial or personal interest in the affected property or issue; asks members if they can hear and consider this matter in a fair and objective manner.
- c. Chair requests any member of the Commission to place on record the substance of any ex parte communication each has had outside of the hearing with opponents or proponents of the quasi-judicial hearing matter. After communication is placed on the record, Chair requests whether any parties wish to rebut the substance of the communication.

### **4. Staff Report**

- a. Overview and highlights of staff report are presented; graphics and visual aids utilized as appropriate.

**5. Applicant Report**

- a. Where a legislative matter has a non-City applicant or proponent (e.g. rezone), applicant provides overview of project.

**6. Public Comments/Questions & Responses**

- a. Public Comments/Questions from those on sign-in sheet. Reiterate all comments and questions to be addressed through the Chair. Questions or misinformation is responded to by staff or otherwise.

**7. Additional Comments/Questions & Response from those not signed in**

- Under direction of Chair

**8. Planning Commissioner Questions**

- Under direction of Chair. Note: Commissioners may ask question during other periods (e.g. staff report [4]; applicant report [5]; or public comment period [6]).

**9. Chair Summary**

- a. Close or continuation.
- b. Projected PC meeting, deliberation, and recommendation date to \_\_\_\_\_ body; subsequent action by said body.
- c. Opportunity for written comments until \_\_\_\_\_. The Commission will set a specific date at the close of the public hearing.

**10. Close Hearing**

**11. Planning Commission Deliberation & Decision**

- a. Planning Commission may choose to deliberate on a Public Hearing matter immediately following close of a hearing, or may choose to deliberate at the next regular, or an assigned special meeting.
- b. Deliberations will follow procedures for general Commission meetings (page 5, item 13).
- c. The Commission must ensure that deadlines prescribed by NBMC or otherwise are addressed in scheduling their deliberations.
- e. Formal Commission recommendations require a motion, second of the motion, and approval by a majority of a quorum.
- f. In the case of any formal advisory recommendations to the Council, or otherwise, Planning Commission recommendations may be in writing and include findings, conclusions, and the recommendation(s), with supporting materials as appropriate. The Chair shall sign written recommendation.